

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT GREENE, <i>et al.</i> ,)	CIVIL ACTION NO. 1:24-cv-00021
Plaintiffs,)	
)	JUDGE BISSOON
v.)	
)	(Electronically Filed)
MERRICK B. GARLAND, Attorney General)	
of the United States, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANTS’ MOTION TO DISMISS FIRST AMENDED COMPLAINT

NOW COME Defendants Merrick B. Garland, in his official capacity as Attorney General of the United States, Steven M. Dettelbach, in his official capacity as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, Christopher Wray, in his official capacity as Director of the Federal Bureau of Investigation, and the United States of America (collectively, “Defendants”), by and through their undersigned counsel, and respectfully move this Court to dismiss Plaintiffs’ First Amended Complaint in its entirety, pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure. Defendants’ Motion is based on the facts, law, and argument contained in the accompanying Memorandum in Support.

In accordance with Section II.A of Judge Bissoon’s Practices and Procedures, the undersigned certifies that – in a good faith effort to avoid the necessity of the instant Motion to Dismiss – the undersigned conferred with Plaintiffs’ counsel via telephone on September 27, 2024, and outlined Defendants’ arguments in support of dismissal.

WHEREFORE, for the foregoing reasons, and those contained in the contemporaneously-filed Memorandum in Support of Motion to Dismiss, Defendants respectfully request that the Court grant the instant Motion, and enter the attached, proposed Order dismissing Plaintiffs’ First Amended Complaint.

Dated: October 1, 2024

Respectfully Submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN
Assistant Director, Federal Programs Branch

/s/ Jeremy S.B. Newman
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Attorneys for Defendants

CERTIFICATE OF SERVICE

On October 1, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Pennsylvania, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jeremy S.B. Newman
JEREMY S.B. NEWMAN
Trial Attorney